



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 4, 1996

Mr. Claud H. Drinnen
Assistant City Attorney
City of Amarillo
P.O. Box 1971
Amarillo, Texas 79105-1971

OR96-0285

Dear Mr. Drinnen:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 38765.

The Amarillo Police Department (the "department") received an open records request for all department investigation reports in which two specified individuals are named as suspect, witness, or complainant. You have submitted to this office as responsive to the request two incident reports in which juveniles are identified as being suspects. You contend these incident reports are made confidential by section 51.14(d) of the Family Code. If such is the case, these records must be withheld from the public pursuant to section 552.101 of the Government Code, which protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision."

We initially note that in the recent legislative session, the 74th Legislature repealed section 51.14 of the Family Code and substantially revised it as part of chapter 58 of the code, effective January 1, 1996. See Act of May 27, 1995, 74th Leg., R.S., ch. 262, §§ 53, 100, 105, 106, 1995 Tex. Sess. Law Serv. 2517, 2549-53, 2590-91 (Vernon). Prior to its repeal, section 51.14(d) provided as follows:

Except as provided by Article 15.27, Code of Criminal Procedure, and except for files and records relating to a charge for which a child is transferred under Section 54.02 of this code to a criminal court for prosecution, the law-enforcement files and records are not open to public inspection nor may their contents be disclosed to the public, but inspection of the files and records is permitted by:

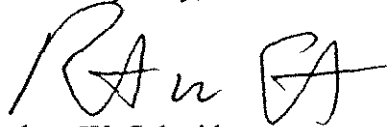
- (1) a juvenile court having the child before it in any proceeding;

- (2) an attorney for a party to the proceeding; and
- (3) law-enforcement officers when necessary for the discharge of their official duties.

However, despite the repeal of section 51.14(d), law-enforcement records pertaining to juvenile conduct that occurred prior to the effective date of the repeal continues to be confidential under that section. *See* Act of May 27, 1995, 74th Leg., R.S., ch. 262, § 106, 1995 Tex. Sess. Law Serv. 2591 (Vernon).¹ Because the juvenile conduct that is the subject of the records at issue occurred prior to January 1, 1996, we conclude that these records are confidential and therefore must be withheld from the public in their entirety pursuant to section 552.101 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Robert W. Schmidt
Assistant Attorney General
Open Records Division

RWS/RWP/ch

Ref.: ID# 38765

Enclosures: Submitted documents

cc: Ms. Mary Mitchell
Legal Assistant to
Patrick B. Mosley
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P.O. Box 9158
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(w/o enclosures)

¹We do not address in this ruling the effect of the legislature's action on requests for information pertaining to juvenile conduct occurring on or after January 1, 1996. This office is currently examining, in ORQ-6, whether 1996 juvenile records held by law enforcement officials are confidential pursuant to chapter 58 of the Family Code.